

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KING SOLOMON,

Plaintiff,

v.

FNU TAPIA, ET. AL.,

Defendants.

Case No. 1:22-cv-1604-ADA-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF No. 8)

Plaintiff King Solomon ("Plaintiff") initiated this action proceeding *pro se* by filing a complaint under 42 U.S.C. § 1983. The matter was referred to the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2023, the Magistrate Judge issued a findings and recommendations recommending the district court deny Plaintiff's motion to proceed *in forma pauperis*. (ECF No. 8.) The findings and recommendations served on Plaintiff contained notice that any objections were due within fourteen days. (*Id.* at 1, 4.) Plaintiff filed objections on January 17, 2023. (ECF No. 9.) Plaintiff argues he paid the \$402.00 filing fee on this case and attaches a copy of his inmate statement report showing that a \$402.00 filing fee was paid on May 10, 2022. (*Id.* at 2-3). Despite Plaintiff's assertion, he initiated this case on December 15, 2022, and could not pay the filing fee for the instant action which was commenced after May 10, 2022. (*See* ECF No. 1).

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings
3 and recommendations to be supported by the record and by proper analysis.

4 ACCORDINGLY,

- 5 1. The Findings and Recommendations issued on January 4, 2023, (ECF No. 8), are
6 adopted in full;
- 7 2. Plaintiff is directed to pay the full filing fee in this matter if he wishes to proceed; and
- 8 3. Failure to comply with this order will result in the dismissal of this action for failure to
9 prosecute and/or comply with the court's orders.

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12 IT IS SO ORDERED.

13 Dated: February 14, 2023

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UNITED STATES DISTRICT JUDGE